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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,170	02/18/2004	James W. Cornett	2003P02869US01	1812
Elsa Keller SIEMENS CORPORATION Intellectual Property Dept. 170 Wood Avenue South Iselin, NJ 08830				
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EXAMINER				
BENOIT, ESTHER				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/781,170

Applicant(s)

CORNETT ET AL.

Examiner

ESTHER BENOIT

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments

1. This Action is in response to an Amendment filed on October 20, 2009. Claims 1-3, and 27-29 are amended. Claims 1-3 and 5-29 are pending in this application.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 10/20/2009, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Freitag, JR. (US 6,237,054 B1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Freitag, JR. (US 6,237,054 B1).

With respect to claim 1, Freitag discloses:

- automatically enforcing, via a wizard at the information device, user compliance with a plurality of predetermined steps for a computer-assisted

configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above (Col. 6, lines 15-31, *configuring NIU 32 to transmit and receive data*)

- providing at least one setting to the network interface device from the information device via the network (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 2, Freitag discloses requesting, from a user, the at least one setting for the network interface device (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 3, Freitag discloses receiving the at least one setting for the network interface device (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 5, Freitag discloses receiving a count of network connections for the network interface device (Col. 8, lines 1-18)

With respect to claim 6, Freitag discloses receiving a type for at least one network connection to the network interface device (Col. 6, lines 15-31)

With respect to claim 7, Freitag discloses determining the at least one setting for the network interface device (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 8, Freitag discloses configuring the network interface device with the at least one setting (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 9, Freitag discloses receiving a setting of a logical position of the network interface device relative to the programmable logic controller (Col. 8, lines 1-18)

With respect to claim 10, Freitag discloses receiving a Q-address used by an input/output module attached to the programmable logic controller, the input/output module further couplable to the network interface device (Col. 5, lines 41-61)

With respect to claim 11, Freitag discloses verifying the at least one setting for the network interface device (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 12, Freitag discloses wherein the network interface device is adaptable to communicatively couple the programmable logic controller to an Ethernet network (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 13, Freitag discloses wherein the network interface device is adaptable to communicatively couple the programmable logic controller to the Internet (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 14, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one e-mail client configuration setting (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 15, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one FTP client configuration setting (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 16, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one FTP server configuration setting (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 17, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one HTTP server configuration setting (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 18, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one FTP server login services setting (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 19, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one secure HTTP server login services setting (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 20, Freitag discloses wherein said plurality of predetermined steps are adaptable to validate an FTP server address (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 21, Freitag discloses wherein said plurality of predetermined steps are adaptable to receive at least one SMTP client configuration setting (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 22, Freitag discloses wherein said plurality of predetermined steps are adaptable to configure an e-mail message to at least one user (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 23, Freitag discloses wherein said plurality of predetermined steps are adaptable to validate an e-mail server address (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 24, Freitag discloses wherein said network interface device is adaptable to communicate at least one programmable logic controller administration setting to the programmable logic controller (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 25, Freitag discloses wherein said network interface device is adaptable to communicate process data from the programmable logic controller to a network (Col. 2, lines 16-39 and Col. 6, lines 15-31)

With respect to claim 26, Freitag discloses wherein said plurality of predetermined steps comprises a help utility (Col. 7, lines 48-55)

With respect to claim 27, Freitag discloses:

- an input processor adapted to sequentially prompt a user for at least one setting for configuring the network interface device at an OSI transport layer or above (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)
- an output processor adapted to provide the at least one setting from the wizard to the network interface device via a network (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 28, Freitag discloses:

- a network interface device adaptable to communicatively couple a programmable logic controller to a network(Col. 6, lines 15-31, *NIU 32 to transmit and receive data*)
- an information device adaptable to communicate with the network interface device via a network, said information device providing a wizard comprising a plurality of predetermined steps adapted to configure said network interface device at an OSI transport layer or above Col. 6, lines

15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

With respect to claim 29, Freitag discloses:

- providing, at an information device in communication with a network interface device via a network, a plurality of predetermined steps adapted to sequentially prompt a user for at least one setting for configuring the network interface device at an OSI transport layer or above (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)
- providing a plurality of predetermined steps adapted to provide the at least one setting from the wizard at the information device to the network interface device via the network (Col. 6, lines 15-31, *providing a selected communication protocol to NIU 32 to transmit and receive data*)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther Benoit whose telephone number is 571-270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.B.
February 16, 2010

/Shawki S Ismail/
Primary Examiner, Art Unit 2455